

REMARKS

The Applicants have filed the present Preliminary Amendment in response to an Office Action dated December 17, 2003. In the Office Action, the Examiner rejects claims 1-18 under 103(a). The Applicants thank the Examiner for his thorough review of the application. The Applicants have amended the existing claims to overcome the Examiner's rejections. As discussed below, the Applicants now believe that the pending claims are now allowable and respectfully requests reconsideration.

Claim Rejections - 35 U.S.C. §103:

The Examiner has rejected claims 1-18 as being unpatentable over Crooks et al. (U.S. Pat. No. 5,943,656) in view of Landry (U.S. Pat. No. 5,956,700), and in further view of Brown (U.S. Pat. No. 5,875,435). In response, the Applicants have amended independent claims 1, 11, 14-16. The Applicants believe that the newly amended claims overcome the cited prior art as discussed below.

According to §2143 of the MPEP, to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference must teach or suggest all the claim limitations. Applicants believe that the combination of cited references do not teach or suggest multiple limitations of the amended claims.

Crooks is directed to a computerized billing system and payment method. The host system includes a database that has information associated with the billable entity from which payment is to be received. Billing information is received from the billing entity and is associated with the bill for payment of the billable entity. The billable entity is provided with remote electronic access to the billing information and the host computer can authorize payment.

Crooks utilizes apparatus to examine billing information in accordance with predetermined tolerance parameters, prior to the billable entity gaining access. Another aspect of Crooks is that a plurality of billing entities provide billing information to the host system with the billing information being subsequently checked and consolidated into a consolidated amount, which can be remotely accessed by the billing entity.

Additionally, Crooks has an embodiment where a plurality of utility providers are incorporated into the system and provide billing information for customers which may have different geographically separate sites and are being serviced by different utilities. The billing information is consolidated and made available electronically through access, which is initiated by the customer.

Landry is directed to a system for paying bills without requiring interaction of the payors disclosed. Landry includes a payor control interface, a communications interface, a bill generator, and a TCF message generator. The bill generator generates bills from payee and payor information within the system for recurring bills. The bill generator may also generate bills from the payor and pay information and from bill data messages received from payees. The generated bill records are used by the TCF message generator to generate EFT messages for transferring funds electronically between payors and payees. Payors may alter the payment amount and date for bill, as well as reverse payment of the bill already paid. Payees are also able to alter recurring bill records or may present bill data so that bill records reflecting variable obligation amounts may be generated.

Brown is directed to an automated accounting system for an entity, such as an individual or business, in which at least one file is established for the entity and a plurality of data inputs are provided to the file. The data inputs include electronically recorded transactions made between the entity and other entities. Access is provided to the file for agents of the entity so that one of the agents can perform one or more activities related to the data inputs such as entering, deleting, reviewing, adjusting and processing.

With regard to amended claim 1, the Applicants have amended the claim to clarify its computerized method. The content of the amendments is found in the specification of the application as filed and therefore contain no new matter. The Applicant has clarified that the system includes the step of formatting the data. The formatted data is in an invoice data file that contains an invoice. The host system automatically evaluates the invoice data file to determine whether the file type is valid. The system then automatically assigns a code to each invoice data file and individual invoice within the file. The system then automatically evaluates the file and invoice to make sure they contain the information necessary for processing. The invoices are then evaluated to determine whether they have been already paid and are then compared to the rule data.

The Applicant notes that none of the references teach or suggest these steps. None of the references teach or suggest formatting billing data in an invoice and sending it to a host system where the invoice undergoes a multi-step analysis. None of the references teach or suggest evaluating the format of the invoice file and assigning a code to each invoice file and invoice and comparing the invoice to already paid invoices. Further, none of the references teach or suggest comparing the billing data with rule data.

Claims 2-11, 13 all depend from amended claim 1 and contain its limitations. For the reasons discussed above, claims 2-10 are non-obvious in light of the cited references.

Claim 14 has been amended to clarify that the method includes the steps of automatically assigning a code to each invoice, evaluating the invoice to determine whether it contains essential billing data, and evaluating the invoices to determine whether the invoices have been previously paid. None of the references teach or suggest this limitation and the Applicant believes that the claim is allowable.

Claim 15 has been amended to clarify that the computerized system includes a means for formatting billing data from a billing part for use by a host system, a billing

party and a billable party for automatically generating payment for services rendered. The system further includes means for automatically evaluating the invoice data file to determine whether the invoice data file type is valid and means for automatically assigning a code to each invoice data file and invoice within the file. The system also includes means for automatically evaluating the invoice data file and invoice to determine whether they contain essential billing data and a means for automatically evaluating the invoices to determine whether the invoice has been previously paid. The cited references do not teach or disclose these features and claim 15 is allowable.


Claim 16 has been amended to clarify that the storage medium includes automatically assigning a code to the billing data, evaluating the billing data to determine whether it contains data necessary for further processing, and automatically evaluating said billing data to determine whether the billing party has been previously paid. The cited references do not teach or suggest these features.

Claim 17 depends from claim 16 and is allowable as the features are not taught or suggested by the references.

Claim 18 has been cancelled.

A one-month extension of time is enclosed, please charge our Deposit Account No. 13-0235 in the amount of \$110.00.

Respectfully submitted,

By  _____
Kevin H. Vanderleeden, Esq.
Registration No. 51,096
Attorney for Applicants

McCORMICK, PAULDING & HUBER LLP
CityPlace II, 185 Asylum Street
Hartford, CT 06103-4102
Tel: (860) 549-5290
Fax: (413) 733-4543